

**MINUTES OF LAYTON CITY
COUNCIL MEETING**

DECEMBER 17, 2015; 7:01 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR BOB STEVENSON, JOYCE BROWN, TOM
DAY, SCOTT FREITAG AND JOY PETRO**

ABSENT:

JORY FRANCIS

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, BILL WRIGHT,
TRACY PROBERT, WESTON APPLONIE AND
THIEDA WELLMAN**

The meeting was held in the Council Chambers of the Layton City Center.

Mayor Stevenson opened the meeting and led the Pledge of Allegiance. He excused Councilmember Francis. Jeff Lewandoski gave the invocation. Scouts and students were welcomed.

MINUTES:

Councilmember Petro indicated that on page 7 of the October 15, 2015, City Council Meeting minutes, in the motion it indicated that she had made the motion and also seconded the motion, which needed to be corrected.

Thieda Wellman, City Recorder, stated that she would listen to the recording and make the correction.

**Layton City Council Strategic Planning Work Meeting – September 24, 2015;
Layton City Council Meeting – October 15, 2015;
Layton City Council Special Meeting – October 22, 2015;
Layton City Council Work Meeting – November 5, 2015;
Layton City Council Meeting – November 5, 2015;
Layton City Council Special Meeting – November 17, 2015;
Layton City Council Joint Planning Commission Work Meeting – November 19, 2015;
Layton City Council Meeting – November 19, 2015; and
Layton City Council Work Meeting – December 3, 2015.**

The vote was unanimous to approve the minutes with the correction as noted by Councilmember Petro.

MUNICIPAL EVENT ANNOUNCEMENTS:

Mayor Stevenson indicated that the City Christmas lights in the park were out on Monday night because of damage caused by the snow taking down several tree limbs. He said the damage had been repaired and the lights were back on.

CITIZEN COMMENTS:

Ralph Price stated that he was homeless and had been in prison. Mr. Price expressed concerns with a system that made it very difficult for a convicted felon to find housing or a job. He mentioned the need for more homeless shelters. Mr. Price explained his situation; he didn't want to be taken care of, but he wanted the opportunity to take care of himself. He asked the City to allow him to do things to give back to the community.

Mayor Stevenson thanked Mr. Price for his comments. He asked Mr. Price to address the Boy Scouts in the audience.

Mr. Price advised the Scouts to listen to their parents and their leaders. He cautioned them to make decisions

that would make them someone like Mayor Stevenson, Gary Crane or Alex Jensen, and not like Ralph Price.

Mayor Stevenson said the City gave funding through the Community Development Block Grant (CDBG) to help with homelessness.

Mr. Price said because of the felony conviction he wasn't eligible for a lot of funding. He said he was being taken care of, but he was speaking for others in his situation.

CONSENT AGENDA:

APPOINT A MEMBER TO THE NORTH DAVIS SEWER DISTRICT BOARD – RESOLUTION 15-63

Mayor Stevenson said Resolution 15-63 would appoint a member to the North Davis Sewer District Board. He said he was the Board Member that sat on the District Board. Mayor Stevenson said the appointment was required every 4 years.

Councilmember Freitag said the appointment was for a period of 4 years. He asked how it was handled if the appointed person was no longer on the Council.

Mayor Stevenson said that was outlined in the resolution. He said Councilmember Mike Bouwhuis had previously been appointed to the District Board, but that appointment ended when he was no longer on the Council. Mayor Stevenson said if he didn't run for office again, or lost the election, he would be replaced.

PRESENTATION OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) AND AUDITORS' REPORTS FOR THE FISCAL YEAR ENDED JUNE 30, 2015

Tracy Probert, Finance Director, said for the Council's acceptance and review, he was presenting the CAFR for the year ended June 30, 2015. He said the Audit Committee met earlier today, and the CAFR was presented in detail in the earlier work meeting. Tracy introduced Rob Wood with Hansen, Bradshaw, Malmrose & Erickson, the certified public accounting firm that audited the report.

Mr. Wood reviewed reports provided by his firm as part of the audit process. He said they found no material misstatements in the financial report. Mr. Wood said they gave an unmodified opinion, which was the best opinion they could give, on the financial report. He said they found no material weaknesses or significant deficiencies in any of the processes.

Mr. Wood said they found one instance of non-compliance; the debt service fund had more in actual expenditures than was appropriated in budget. He said this was a minor issue.

Mr. Wood said the City was very well managed and they appreciated being able to work with the City.

Councilmember Freitag asked if the issue could be corrected or was it too late.

Mr. Wood said it was too late to correct the issue. He said it was a minor oversight relative to refunding of bond debt.

Tracy Probert said the City budgeted \$35,483,247 in the general fund and spent \$35,208,939; there was a savings of \$1,200,000 or 3.6%. He said revenues were 3.2% higher than budgeted. Tracy said this allowed for \$319,000 to be added to the general fund balance rather than spend \$2,000,000 of fund balance. He said the City's unassigned fund balance remained healthy at 18.2%.

Tracy said all enterprise funds were operating in a healthy position. He said the City appeared to be in good financial condition.

Mayor Stevenson said the City had a voluntary efficiency program in trying to look at ways to save with operating budgets. He asked how the City came out on that this past year.

Tracy said 3.6% of budgets were returned. He said the philosophy of the City was to budget what was anticipated to be needed, but if it wasn't needed not to spend it. Tracy said there had been substantial savings in fuel costs and computer maintenance.

Mayor Stevenson said the bottom line was that revenues had gone up and expenses had gone down. He thanked Staff for their hard work and for being conservative.

Councilmember Freitag asked if there was an increase in EMS reimbursements for transports and paramedic fees this year.

Tracy said there had been a slight increase.

AMENDMENT TO TITLE 13 – ORDINANCE 15-34

Gary Crane, City Attorney, said Ordinance 15-34 made amendments to Title 13; most were text changes to bring the City's code up to date. He said clarifications were made indicating who was responsible for utilities and payment of backflow devices. Gary said Staff recommended approval.

STREET IMPROVEMENTS PAYBACK AGREEMENT WITH CASTLE CREEK HOMES LLC – RESOLUTION 15-64

Gary Crane indicated that very often a developer was asked to put in improvements that were over and above what was needed for their development. Payback agreements reimbursed the developer for the costs above his proportional share. This payback agreement was with Castle Creek Homes and had to do with improvements along Layton Parkway and 1700 West. Gary said Staff recommended approval.

SANITARY SEWER AND LAND DRAIN IMPROVEMENTS PAYBACK AGREEMENT WITH WAYNE S JOHNSON – RESOLUTION 15-65

Gary Crane said this was similar to the previous item. He said these were sanitary sewer and land drain improvements that would benefit other subdivisions in the area as they came in. Gary said the new subdivisions would have to pay back their share of the improvements when they connected to those improvements. He said Staff recommended approval.

ON-PREMISE CLUB LIQUOR LICENSE – BT LAYTON, LLC; DBA BOUT TIME PUB & GRUB – 641 WEST OLSEN PLAZA

Bill Wright, Community and Economic Development Director, said this was an on-premise club liquor license for BT Layton, LLC, dba Bout Time Pub & Grub. The owner was James Young. Bill said this was a new business to the community located at 641 West Olsen Plaza. He displayed a map of the area and indicated that the property was located east of Walmart and was previously occupied by the Good Times Saloon.

Bill said the location met all buffer requirements and location criteria for the limit of two clubs in a superblock. He said background checks had been approved by the Police Department. Staff recommended approval.

Councilmember Petro asked how restaurants played into the superblock restrictions.

Bill said restaurant liquor licenses were not restricted the same as club liquor licenses relative to superblocks.

Councilmember Freitag said in an upcoming planning meeting he would like to talk about the property

between the Young property and the State Liquor Store.

MOTION: Councilmember Brown moved to approve the Consent Agenda as presented. Councilmember Day seconded the motion, which passed unanimously.

PUBLIC HEARINGS:

ZONING ORDINANCE AMENDMENT – TITLE 19 (ZONING) ESTABLISHING REGULATIONS FOR MOBILE FOOD VENDORS – ORDINANCE 15-35

Bill Wright said Staff and the Planning Commission had been working on this ordinance since last spring. He said the City became more aware of the desire for food trucks to locate in the City and discovered that the City didn't have very good allowances in the Zoning Code that specifically addressed food trucks. Bill said this had become a very popular and fast growing segment within the dining industry.

Bill said Staff had researched other communities relative to zoning and licensing for the allowance of food trucks. He said Staff worked with the Planning Commission in September and November to define more clearly how to invite this industry into the community and meet their needs, and provide appropriate regulations.

Bill displayed a map of the proposed areas where these businesses would be allowed, which included commercial, manufacturing, mixed use and business research park zones.

Councilmember Freitag said in the earlier meeting he asked if this was an expansion or contraction of the area where they were currently allowed. He said Bill indicated that it was an expansion. The map didn't restrict other areas if they were to provide a service to a nonprofit or for a special event.

Bill said that was correct. There was opportunity for food vendors to go into other areas under certain circumstances.

Mayor Stevenson asked if he could have one at his home for a party.

Bill said yes, if it was a catered function, but not open to the public.

Bill said there were some elements of fairness in the Code where they could not be located within a 200-foot radius of an established restaurant. He said they could not be located within areas of school or parks unless invited for a special event. Bill explained the need for a special events or single event permit if there were three or more clustered together.

Councilmember Freitag asked about the special events or single event permitting process.

Weston Applonie, Staff Planner, said the special events permit came from the Community Development Department; a special event permit was issued by the Parks Department to allow food vendors in the parks. He said a special events permit would only be required if there were three or more food vendors gathered within 300 feet of each other or if they were in a zoning area where they were not normally allowed.

Councilmember Freitag asked if there were additional requirements for three or more for things such as fire suppression and restrooms.

Weston said the Health Department regulated restrooms; if a food vendor was parked somewhere for more than an hour they had to have a restroom agreement on hand.

Councilmember Petro asked how often a food vendor would have to renew their permit or license.

Weston said the ordinance proposed a 1 year permit; currently they had to be renewed every 4 months. He

said the cost was the same.

Council and Staff discussed permitting requirements.

Mayor Stevenson opened the meeting for public input.

Ralph Price said he had tried to get a job at 6 food trucks but because of his felony conviction he couldn't get a job. He asked if vendors would get in trouble for hiring him. If he wanted to get a food truck and have it in a crime free zone would he be able to do that.

Weston said the proposed ordinance indicated that you couldn't get a license to operate a food truck if there had been a conviction within 3 years; longer than that wouldn't be a problem.

Nalia Nelson, Marquesas' Corn Dogs and Fried Pickles, and Jan and Rick Sherman, Rickles Philly Sandwiches, thanked the City for allowing food trucks in Layton.

Ms. Nelson asked if the business license would allow them to park multiple times in the city at various locations.

Weston said yes; the business license was good for 1 year.

Mr. Sherman asked if there was an additional special permit required or would the business license cover that.

Weston said a special events permit would be required for a gathering of three or more trucks.

Mr. Sherman asked how far in advance the special events permit was needed and what the cost was.

Weston said he thought it was 10 days before the event. He said he didn't have the cost, but he would get that information to Mr. Sherman.

Mr. Sherman said it could become very costly for him if he was doing multiple special events within a week.

Mayor Stevenson asked Mr. Sherman what he thought a reasonable fee would be.

Mr. Sherman said in the past this hadn't been an issue; your business license covered any event. He said they were finding more and more cities were beginning to regulate special events and charging additional fees. Mr. Sherman said it became very prohibitive; they were getting fee'd to death.

Mayor Stevenson asked if Staff looked at fees in other cities.

Weston said the fees were based on what vendors were currently paying for temporary permits.

Mayor Stevenson said a food vendor could park in any of the approved zones with only a business license, but if they wanted to attend a special event with three or more food vendors that would require an additional special events permit. What was the reasoning behind requiring the additional permit and fee?

Weston said it was part of the special permitting process for any special event whether there were food vendors or not. He said it allowed the City to address any possible traffic concerns, or fire concerns.

Mayor Stevenson asked if a special events permit could cover multiple days at the same location.

Weston said it was good for seven consecutive days.

Bill said the special events permit was not per operator, it was for the event. There would be one fee for the

entire event. He said vendors could split the fee among themselves.

Councilmember Freitag said this was new territory for the City. He said the growth of this business had been pretty significant over the last few years. Councilmember Freitag said he didn't think he was ready to pass the ordinance yet. He said there needed to be more discussion with the vendors relative to fire regulations and he would like more discussion about regularly scheduled special events. Could those be handled differently than one-time special events?

Councilmember Brown suggested tabling this to allow time for Staff to get with vendors and address some of their concerns.

Councilmember Petro asked the vendors if they would support a higher yearly fee to cover special events instead of separate special event fees.

Mr. Sherman said he would certainly support that.

MOTION: Councilmember Freitag moved to leave the public hearing open and table this item to the February 4, 2016, meeting. Councilmember Petro seconded the motion, which passed unanimously.

The meeting adjourned at 8:08 p.m.

Thieda Wellman, City Recorder